

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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MARYLAND SHALL ISSUE, INC., :
et al., :
: Case No:
Plaintiffs : 16-cv-3311-MJG
:
-vs- : Pages 1 - 205
:
LAWRENCE HOGAN, in his :
capacity of Governor of :
Maryland, et al., :
:
Defendants :
-----X

Deposition of James P. Russell, Jr.
Baltimore, Maryland
Monday, June 11, 2018

Reported by: Kathleen M. Vaglica, RPR, RMR
Job No: 409351

MAGNA LEGAL SERVICES
(866) 624-6221

1 A. No, sir.

2 Q. Now, what did you do to become qualified
3 as an HQL instructor?

4 A. Basically, they were able to take my
5 Maryland Police Training Commission where I went
6 through two weeks of training, since I'm exempt due
7 to the fact that, as a sworn law enforcement officer
8 that attended Maryland Police Training Commission,
9 and then also currently as a certified firearms
10 instructor exempt, and that's how I was able to get
11 my QHIC.

12 Q. So you didn't have any special training or
13 instruction over and above what you had already had
14 as an instructor of law enforcement officers in
15 order to be qualified as an HQL instructor; correct?

16 A. Just the rules and laws pertaining to the
17 HQL.

18 Q. All right. And what did you learn about
19 rules and laws pertaining to the HQL for purposes of
20 the HQL instruction?

21 A. Maryland law, public safety law, COMAR
22 that's related to those, that's what I was basically

1 learning. It's included in our sample lesson plan
2 that's distributed to all the QHIC instructors.

3 Q. Before you were qualified or in order to
4 be qualified as an HQL instructor, did you have to
5 pass any test or otherwise show your proficiency in
6 understanding those rules and laws?

7 A. Yes. We had to, through the Maryland
8 Police Training Commission, we had to do
9 qualification courses and shoot at least a
10 90 percent, which would have been a 225 out of 250
11 on the qualification course. We have to have that
12 in order to get the QHIC.

13 Q. But not to get your HQL. I'm trying to
14 find out what in addition you had to do in order to
15 get your HQL qualification.

16 A. Nothing else.

17 Q. Anything?

18 A. Just through the training that I had
19 already received.

20 Q. So you didn't have to have any special
21 training or show any special understanding of the
22 HQL rules and laws in order to be qualified as an

1 HQL instructor?

2 A. Yes. We did because we still had to go
3 back and do what, our sample lesson plans. We had
4 to draw it out. Do PowerPoints and things like that
5 of how we were going to be teaching the course to
6 the personnel that will be attending the four-hour
7 block of instruction.

8 Q. Let me try to understand that a little bit
9 more. Before you were certified as an HQL
10 instructor, what did you have to show other than you
11 had previously been certified by the Maryland Police
12 Training Commission?

13 A. All I had to do was provide that
14 documentation showing that I was already a
15 full-fledged member or instructor.

16 Q. Sorry.

17 A. That's okay.

18 Q. Once you were certified as an HQL
19 instructor, then did you prepare your lesson plans
20 and the like?

21 A. Fair, yes, sir.

22 Q. Okay. Now, we marked previously as 123 --

1 A. 124.

2 Q. -- for the sample lesson plan.

3 A. Yes.

4 Q. And can I ask you when you first obtained
5 this?

6 A. Probably shortly after going, obtaining my
7 QHIC. I got a copy of it. So 2013 time frame,
8 somewhere around that time. 2013, 2014.

9 Q. This document has a date of September 10,
10 2013, on it. Does that sound about right to you?
11 Sometime after then?

12 A. Yes, sir, because this is posted on our
13 www.mdsp.org and all instructors have access to this
14 information.

15 Q. All right. Now, did you have any lesson
16 plan prior to obtaining a copy of what we've marked
17 as Exhibit 124?

18 A. No, sir.

19 Q. Have you any other written lesson plans
20 other than what we've marked as Exhibit 124?

21 A. This is what I use for my training.

22 Q. I thought I heard something about

1 PowerPoints. Do you have any PowerPoints that
2 you've prepared in connection with your HQL
3 instruction?

4 A. We have PowerPoints that are utilized. I
5 don't have any with me today, but the PowerPoint
6 follows this sample lesson plan basically verbatim
7 so that you're not handing out all kinds of sheets
8 of paper.

9 MR. SCOTT: Counsel, we do have the
10 certificate that the witness testified about, if you
11 want us to get a copy.

12 MR. SWEENEY: We can add it at the break.

13 MR. SCOTT: That's fine.

14 MR. SWEENEY: I have no reason to doubt
15 his recollection. I just want to verify it for the
16 record.

17 BY MR. SWEENEY:

18 Q. What is your understanding of handgun
19 safety training for non-law enforcement officers in
20 Maryland prior to the Handgun Qualification License
21 training requirements?

22 A. Prior to going through and developing the

1 not an issue, but those things come up as well that
2 are not, they are discussed in the video, but once,
3 again, you can't have follow-up questions that are
4 asked in the video where follow-up questions can be
5 asked in the classroom setting.

6 Q. So let me understand. There's no
7 difference in the subject matter, but the difference
8 in the format, the live classroom setting allows for
9 questions and answers, which is not part of the
10 video process?

11 MR. SCOTT: Objection. Go ahead.

12 THE WITNESS: Can you ask that one more
13 time? I'm sorry. I apologize.

14 BY MR. SWEENEY:

15 Q. Sure. Can you just repeat my question,
16 please?

17 (The reporter read back as requested.)

18 MR. SCOTT: Objection.

19 THE WITNESS: Allows for questions and
20 answers and also, like I said, to elaborate it also
21 allows for use of the weapon on the range. You get
22 to handle the weapon. You get to feel it. You get

1 to see it. You get to touch it, and I go back to my
2 experience as an instructor and as my experience as
3 a adjunct instructor at Cecil College working with
4 personnel is that people learn by seeing, touching,
5 and feeling. They don't -- a lot of times they are
6 not learning sitting at that video or sitting behind
7 the computer.

8 I've had situations also I need to tell
9 you about. I've had personnel tell me that you are
10 able to, watching that video, they were able to get
11 up, go get some chocolate milk, get on their phone,
12 answer e-mails. That video is still playing
13 continuously, and then you at the end are saying,
14 yeah, I watched it all, and I've had situations I
15 can tell you I know they haven't. I've been told
16 about that as well.

17 And now, when you're in the classroom
18 setting, as an instructor, I'm watching. You
19 understand we have a receiver and we have a sender.
20 Okay? We communicate, and I can watch you do it as
21 well.

22 So that basically covers all the facets

1 that I know, hey, this is person is safe with those
2 weapons and knows what they are doing with it.

3 Q. Now, when you have a video that's online,
4 a user can go back to it repeatedly and refer to it
5 and do it over and over again, and you can't do that
6 in a classroom setting; correct?

7 A. I don't know if you can go back and watch
8 that video. The one that I'm referring to the one
9 I'm most familiar with it, it was online and, like I
10 said, I don't know if anybody is familiar with it.
11 It has a web ID issued at the end. You had a sheet
12 of paper, and it was a web ID number. That web ID
13 would then go on the 77R. I don't know if, after
14 you watched it, if you could go back and view it
15 again. I'm not too sure. I can't answer that
16 question because -- are you familiar with that one
17 where it issues the web ID number and then that goes
18 on the 77R? That's the one I'm referring to, and
19 that's the latest one.

20 Q. I, actually, did that process at one
21 point.

22 A. So I can't answer the question if you

1 could go back after you watched it one time and do
2 it again because I used to -- I would help family
3 members get on there and actually view that and get
4 the web ID number for the transfer, the rental, or
5 the sale of a weapon, so, but I don't know if you
6 can go back and watch it.

7 Q. The video did cover the primary subject
8 matters of state firearm law, home firearm safety,
9 proper storage of handguns, and handgun mechanism
10 and operation; correct?

11 A. Yes, sir, it did, sir.

12 Q. Now, could I just review for a moment your
13 understanding about the Maryland Police Training
14 Commission's role in preparing that video? What's
15 your understanding in that regard?

16 A. I'm not too sure because, like I said, it
17 had Mr. Shipley, who was the Maryland State Police
18 public information officer, in the old video that I
19 watched so I don't know who -- I guess Maryland
20 Police Training Commission prepared both those
21 videos, but I'm not too sure.

22 Q. All right. Now, since becoming certified

1 Q. And that's what you use to track the live
2 fire performance of each of your HQL students?

3 A. Yes, sir.

4 Q. All right. Are there any other materials
5 that are provided for Handgun Qualification License
6 operation and handling demonstration of a handgun?

7 A. No, sir.

8 Q. All right. How many rounds do you require
9 your students to shoot during your class?

10 A. You have to at least fire one. All the
11 students that I've talked about and previously the
12 25 to 30 that I've done I make them shoot at least
13 two courses of fire, and there's never been any
14 issues. I whole-heartedly believe that the training
15 that we're doing now is so much better than the
16 videos, and I just think additional rounds of fire
17 gets the applicant or the person more proficient,
18 more comfortable in the use of handling the weapon.

19 I'm not saying there's anything wrong with
20 one. That's absolutely fine, but I encourage my
21 students that I'm working with to fire more than one
22 round of fire, and I've never had anyone say

1 anything differently that they don't want to fire
2 any more courses of fire. In fact, when we're done,
3 they thank me. They say I feel so much comfortable
4 with the nomenclature, how to make it safe, and we
5 talk about shooting stances, shooting procedures and
6 things like that, and they are a lot more
7 comfortable when they leave.

8 And they are, like, hey, can we call you
9 six months or eight months from now and do another
10 course of fire just so we don't lose what we've
11 already learned? But to answer your question, one
12 round.

13 Q. Well, your students fire more than one
14 round?

15 A. Yes, sir.

16 Q. How many more? You say two courses of
17 fire at least. How many rounds is that altogether?

18 A. 60 total rounds. Two 30-round courses,
19 sir.

20 Q. So you typically have your students fire
21 as many as 60 rounds during their HQL instruction?

22 A. Yes, sir.

1 Q. Do you have anybody who has shot less than
2 those 60 rounds?

3 A. No, sir.

4 Q. All right. You would agree with me that
5 the proper use of the handgun is an acquired skill?

6 A. Acquired skill, yes, sir, I would. The
7 more you handle it the better you are.

8 Q. And it is a skill that you, as a firearm
9 instructor, encourage all of your students to
10 practice on a regular basis?

11 A. Yes, sir.

12 Q. Is the ownership of a handgun an acquired
13 skill?

14 MR. SCOTT: Objection.

15 THE WITNESS: I'm not able to answer that,
16 sir.

17 BY MR. SWEENEY:

18 Q. All right. Is the storage of a handgun an
19 acquired skill?

20 A. I think you need to know the laws
21 regarding the storage of the weapon, and then you
22 need to practice it. You need to continue

1 the HQL, either the statute or the regulation?

2 A. In regards to the purchase, transfer,
3 selling?

4 Q. The training requirement for the 77R prior
5 to the HQL training requirement.

6 A. Prior to all this and the video, no, sir.

7 Q. So you've never reviewed the regulation or
8 the statute that was the basis for the video and
9 what was required to be in it?

10 A. No. No.

11 Q. All right. Now, the sample lesson plan
12 that we marked as Exhibit 124, is it?

13 A. Yes, sir, 124.

14 Q. Previously there's no requirement that
15 that be used by any particular HQL instructor, is
16 there?

17 A. No. It's just a sample to use off of --
18 that's what they recommend that you use, something
19 along those lines to cover each of the components.

20 Q. But as long as the instructor covers the
21 items that are in the handgun instructor advisory of
22 2013 that we reviewed, the curriculum requirements,

1 Q. All right. Is there any other right, any
2 other constitutionally guaranteed right that would
3 require individuals to demonstrate proficiency
4 before we allow them to exercise that right like,
5 for instance, voting?

6 MR. SCOTT: Objection.

7 THE WITNESS: I'm not familiar.

8 BY MR. SWEENEY:

9 Q. When we talk about the HQL training
10 requirements, does it in any way deter individuals
11 from making straw purchases of handguns?

12 A. Once again, through my experience and
13 knowledge of doing this, yes, it answers the
14 questions in regards to this and talks about
15 different laws and rulings that we're dealing with.
16 So, in my opinion, yes, it does.

17 Q. The 77R form itself that is used to
18 purchase a handgun has always or at least forever
19 that I can think of warned people against making a
20 straw purchase; correct? And declared that it was
21 illegal for them to do so; correct?

22 A. It's in one of the questions, yes, sir, on

1 the 77R.

2 Q. And the prior training, the training prior
3 to the HQL also made it clear that straw purchases
4 were illegal in Maryland; correct?

5 A. The training videos do have that in there,
6 yes.

7 Q. All right. Do you have any data on the
8 number of straw purchasers in Maryland, say,
9 annually?

10 A. No, sir, I do not.

11 Q. Do you know anybody who does?

12 A. It might be a Captain Johnson question
13 with Licensing Division, but I'm not sure.

14 Q. And do you have any data on children
15 having unsupervised access to firearms in Maryland?

16 A. Data? Yes, I have some. I mean, facts is
17 what I can tell you that I have facts just through,
18 like I said, I go back to my ALICE and ALERT
19 certification training as an active shooter
20 instructor, and we open up with most of our videos,
21 majority of our videos and most of our training and
22 school shootings, there's a lot of examples of where

1 a Handgun Qualification License, how many days?

2 A. In regards to the transfer? Seven days.

3 Q. Seven-day transfer, but if you don't have
4 a Handgun Qualification License, how long does it
5 take you to get your Handgun Qualification License?

6 A. If you call me, we can get it done in a
7 day.

8 Q. Okay. So I can go and get the training
9 from you in a day, but I also have to get
10 fingerprinted someplace. Where would I get
11 fingerprinted?

12 A. That's part of the training. When we do
13 live training and we're in the training portion of
14 it, I provide them a list of agencies, as well as a
15 list of services, whether it be Cecil County,
16 Harford County, Eastern Shore that provides
17 fingerprint services to the applicant.

18 Q. So all I have to do is go out to Cecil
19 County and get it done in a day?

20 A. Or Eastern Shore. If you want to do it
21 with me.

22 Q. Do you know if that, if the training, sir,

1 is available in Baltimore City?

2 A. I'm not too sure if it's available. I'm
3 not too sure about Baltimore City.

4 Q. So residents of Baltimore City, because
5 there is no range and there is no ability to
6 discharge a firearm inside the city limits, would
7 have to go outside the city limits of Baltimore to
8 obtain their HQL training; correct?

9 A. No range? Then they would have to go
10 outside the city, yes, sir.

11 Q. All right. You're not aware, one way or
12 another, whether there's a range? I don't want to
13 put words in your mouth. I thought you knew that.

14 A. No, I'm not aware if there's a range in
15 Baltimore City. Where does the Baltimore City
16 Police Department qualify?

17 Q. Well, they have a range.

18 A. I qualify a lot of the retirees as well.

19 Q. Once I get my training from you and
20 fingerprinting, how long does it take the Maryland
21 State Police to process my application?

22 MR. SCOTT: Objection.

1 and put away the devices and everything else and
2 concentrate on what they are doing, I think it's
3 self-explanatory and they can work through it.

4 BY MR. SWEENEY:

5 Q. Would it surprise you that there may be as
6 many as 30,000 people that have started, but haven't
7 finished their HQL applications online?

8 MR. SCOTT: Objection.

9 THE WITNESS: Would it surprise me? No,
10 it wouldn't surprise me because someone may be,
11 learn they are prohibited or something else that may
12 affect that.

13 BY MR. SWEENEY:

14 Q. You think there are 30,000 prohibited
15 individuals who are applying for HQLs?

16 MR. SCOTT: Objection.

17 THE WITNESS: I'm not too sure.

18 BY MR. SWEENEY:

19 Q. All right. All right. Do you have any
20 information about whether or not the HQL training
21 that's been provided now by you and others for over,
22 I guess, five years has reduced the number of

1 accidental shootings in Maryland?

2 A. I don't have any numbers, but I can surely
3 tell you from being on the range and through, like I
4 said, 14 years of being on the range with not only
5 sworn, but now civilian and over the last five years
6 of doing HQL, I can sit here and tell you that a lot
7 of flaws, faults have been discovered on the range
8 and that the video would not have uncovered just
9 because they are on the range firing that live round
10 or, like I said, I do 30-round courses of fire, two
11 of them, and we uncover a lot of different things
12 that would not be uncovered with a video.

13 I get a lot of questions asked in the
14 classroom setting that are not covered in the video
15 when the hands go up, and it seems to lead into
16 another question, and just a lot of good questions
17 are being asked that the video did not answer.

18 Q. And that's with respect to the students
19 that you've taught, the 25 or 30 students?

20 A. Yes, sir.

21 Q. Okay. And you mentioned the officers on
22 the range. Despite all their training, they still

1 suggestions and stuff like that. If they pass the
2 requirements needed by law, then I'll pass them. If
3 somebody come in, say, and said I only brought one
4 round because that's what I read on the website and
5 that's what's needed by law, then we do one round.

6 Q. Have you ever done just one round with
7 somebody?

8 A. Never have done one round. In fact, I've
9 done the courses of fire. When I'm done, they want
10 to fire more courses of fire because they've learned
11 so much. A county executive in Cecil County, as a
12 matter of fact, never handled a weapon before came
13 in and has come back numerous times now to fire
14 additional courses of fire because they are learning
15 so much.

16 Q. And a course of fire, and I know ammo
17 varies by caliber, manufacturer, material, but a
18 course of fire along the lines of what you're
19 talking about, these three courses of fire that you
20 do in your training would probably be anywhere from,
21 what, 30 to \$50 in ammo; is that right?

22 MR. SCOTT: Objection.

1 THE WITNESS: Well, boxes of ammo, all
2 depends what kind you purchase. If we're dealing
3 with 22, 380s, you know, sim rounds, so as far as
4 asking for a price, I mean, a hot box of federal
5 ammo, I can tell you this. You can ask some of the
6 people I've qualified. I've been known to give them
7 boxes of ammo because I have extra 'cause I'm, for
8 the allowance of the State Police that they provide
9 us.

10 And/or at the indoor range that we qualify
11 at Chad's house he has extra ammo that we provide to
12 the applicants as well. So a box, I don't know. It
13 all depends, like you said, the type of ammo that
14 you're shooting.

15 Q. And you don't have any idea of the prices
16 of ammo?

17 A. I have an idea, yes, sir. Local Walmart,
18 but --

19 Q. What would the three courses cost, say,
20 using a .9 millimeter?

21 MR. SCOTT: Objection.

22 THE WITNESS: Buying bulk?

1 you keep about the HQL training that you do?

2 A. All of mine are kept in e-mail because I
3 scan and e-mail everything to the Licensing Division
4 when they need documentation of everything and hand
5 deliver anything that needs to go there or have the
6 applicant mail it to Licensing Division.

7 Q. Do you believe yours go through faster
8 than anybody else's?

9 A. No, sir. I wish they did. They ask me if
10 I can, and Licensing Division has a record of
11 everything that comes in, and they have to go in
12 order.

13 Q. Do you have a contact at the Licensing
14 Division?

15 A. Well, just for each section that's being
16 utilized, yes. If it's handgun permit, Sergeant
17 Durkee. If it's HQL, it's Corporal Askins.

18 Q. Is everyone in your HQL class, are they
19 required to have their own firearm? Sometimes you
20 give them ammo. Do you also loan guns out
21 sometimes?

22 A. Normally, they have, they will have their

1 own weapon. If they don't, Chad Johnston does the
2 training at his house, and he has the ammo at his
3 residence at the indoor range that's secured there.

4 Q. So you've participated in training where
5 Mr. Johnston has loaned a gun to somebody for use?

6 A. Yes, sir.

7 Q. And you've already sounds like more often
8 than not participated in training where the person
9 has shown up to get an HQL, and they already have a
10 handgun they are going to use for the training; is
11 that right?

12 A. That's happened previously.

13 Q. Has it ever struck you as odd that the
14 person is showing up to get training to buy a gun,
15 and they already have a handgun?

16 A. No, it's never, no.

17 Q. Have you ever asked any of them or
18 followed up on how or why they obtained a handgun?

19 A. How or why?

20 Q. Yes, sir. In other words, these folks are
21 coming to you to get a Handgun Qualification License
22 to buy a gun; right?